

MRS. SHONTS LOSES \$1,000,000 SUIT BRINDELL SENTENCED TO 5 TO 10 YEARS

To-Night's Weather—UNSETTLED.

To-Morrow's Weather—PROBABLY RAIN OR SNOW.

THE WALL STREET
EVENING
WORLD
FINAL
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The

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World.

THE WALL STREET
EVENING
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JOKER IN FARE INCREASE IN COMPANY PREFERENTIAL; CITY CAN RECAPTURE TUBES

Twenty-five Millions Set Aside Each Year for Ten Years Would Cover Cost of Taking Over the Roads and Avoid Sharing the Profits of Thirty-nine Years.

By Sophie Irene Loeb.

The hue and cry of increased city carfare is for the prime purpose of helping the subway corporation to get its "preferentials" of \$6,335,000 annually as quickly as possible.

This was unmistakably made clear in the interview with Theodore Shonts, President of the Interborough subway, published in yesterday's Evening World for the first time, and taken from a memorandum which I made immediately after my talk with him Dec. 23, 1918.

The city, instead of imposing increased fares on the people, can recapture the subway the first time legally possible in 1930 at less cost than at any other time in the next forty-nine years, the duration of the contract.

The Shonts proposals and the re-negotiation are borne out by eminent authorities and are set forth below.

The city will have available next month \$100,000,000 to the good of the debt limit.

By setting aside a certain sum each year, say \$25,000,000 each year for the next ten years, the city can have the money ready to buy back the subway and save enormous sums that are piling up against the city because of these "preferentials," which are constant deficits cumulative at compound interest.

In plain parlance, the subway corporation doesn't want to wait to earn these "preferentials" on a 5-cent fare in the next forty-nine years, but by increasing the fare, they get their "preferentials" quickly.

The city's interest would be to keep the 5-cent fare, for the benefit of the people, and the city can afford to wait and be satisfied with less profit. But because of this \$6,335,000 "preferential," the seeming million around the neck of the city, which the corporation is permitted by the contract to take out every year first, the city will recapture its subway as quickly as possible, and thus save the everlasting normal, which, according to the authorities, is overwhelming.

This annual \$6,335,000 "preferential" in forty-nine years, the duration of

ALDERMEN FAVOR CITY COMMISSION TO PROBE TRACTION

Declare Gov. Miller's Plan an Outrageous Assault Upon Home Rule.

POWER BILLS UNPAID.

For Twelve Years Queens Roads Have Let Accounts Accumulate.

Resolutions calling Gov. Miller's traction plans "this outrageous assault on home rule and the principles of self-government" were adopted by the Board of Aldermen this afternoon. The board also voted favorably on a report of its State Legislation Committee recommending the appointment of a commission to investigate the traction situation in this city.

Out of this probe would be formulated a plan for a correction of present day evils of the subway, "L" and surface lines, the committee reported. Its recommendation follows:

"Your committee believes that the people of this city are more anxious even than Gov. Miller to have this traction question settled and settled properly and justly. To that end it would welcome the appointment of a commission to make a thorough investigation of this matter, and after ascertaining all the facts present a constructive plan to the local authorities for adoption. This city has an investment of \$200,000,000 in the subway which it constructed and leased to the operating companies controlling the other transit facilities, and a fare no more than five cents was written into that operating contract."

In the report accompanying the resolution, the committee on State Legislation calls attention to the fact that when he prepared his plan depriving New York City of the right to regulate its own traction lines, Gov. Miller evidently, at least temporarily, had forgotten one of the cardinal planks in the Republican platform on which he and his party had run.

"Even so recent as the last election," says the report, "the Republican platform in this State declared in favor of granting to all cities and villages adequate powers of self-government and control over their local affairs and property, free from legislative interference."

(Continued on Second Page.)

MUST PAY U. S. LOAN, SAYS BRITISH PRESS

Our Credit and Honor Are at Stake, Is View Taken by Times.

LONDON, Feb. 8.—Newspaper comment today linked proposals for debt cancellation with German reparations, calling attention to the fact that interest owed the United States is greater than the annual payment demanded from Germany.

The general tone was that the request for cancellation had failed and that Britain now should pay and forget the incident.

"Britain is a nation of shopkeepers," the Times declared. "Our credit as well as our honor is at stake. The question of repayment to the United States is no question. We shall pay fully and promptly on any reasonable terms proposed."

CAPT. GARD BEATEN AND ROBBED WHILE RIDING IN TAXICAB

Former Yale Football Player Attacked by Bandits and Relieved of \$40.

Walter E. Gard, who fought unscathed through the Argonne campaign as a Captain in the 312th Field Artillery, is confined to his bed at the City Club, No. 55 West 44th Street, with a fractured ankle and a swollen jaw, received in a hold-up by two taxi-cab bandits at 30th Street and Fifth Avenue early Saturday morning.

Capt. Gard, who is a graduate of the 1908 class at Yale, where he played on the football team and who now lives in Orange, N. J., came to New York Friday evening to attend a banquet and reunion with twelve fellow officers of his regiment.

There was banter over the fact that there were thirteen members in the party and that their regiment was the 313th.

About 2 o'clock Saturday morning Capt. Gard hailed a taxi-cab at 43d Street and Madison Avenue and asked the chauffeur if he could take him to a room for the night.

The chauffeur agreed and drove to Fifth Avenue where he headed north.

The taxi stopped soon and another man joined the chauffeur on the driver's seat. At 80th Street the chauffeur asked Capt. Gard if he had money to pay for the ride. Mr. Gard replied that he had and pulled out his pocketbook containing \$40. The chauffeur snatched it.

Capt. Gard reached for the pocketbook and received a punch in the mouth. He was then knocked unconscious with a blow on the jaw, apparently with a blackjack. The robbers evidently kicked Capt. Gard as he lay unconscious on the sidewalk. Doctors found later he had received a Pott's fracture of the ankle.

Capt. Gard crawled to a neighboring apartment house and the next he remembers he was being taken in an ambulance to Roosevelt Hospital, where he arrived at 4 o'clock in the morning. At noon he was taken to the City Club.

Capt. Gard's physicians declare he will not be able to walk without crutches for six weeks. He could give little description of his assailants, save that the chauffeur was six feet tall and over and heavily built.

Capt. Gard in 1912 was secretary of the Connecticut Party in Hartford, Conn. He is a member of the City Club and a member of the City Club.

Police will make a search for the taxi-cab which was used in the hold-up. The taxi-cab was a 1918 model and was driven by a man named Harry. The taxi-cab was a 1918 model and was driven by a man named Harry.

COURT DISMISSES MRS. SHONTS'S SUIT FOR ALIENATION

Calls Charges Against Mrs. Thomas "Perfunctory Prattle of Fraud."

LOVE WAS NOT STOLEN.

Justice McAvoy Declares Widow's "Squints" of Duress Were Not Proved.

The suit for one million dollars damages brought by Mrs. Milla D. Shonts, widow of the traction multimillionaire, against Mrs. Amanda C. Thomas, alleging that the latter had alienated the affections of Mr. Shonts, was today dismissed by Justice McAvoy in the Supreme Court.

The action was dismissed on the ground that the defense made by Mrs. Thomas was complete in the absence of facts to support Mrs. Shonts' claim. The decision of Justice McAvoy said in part:

"I think the defenses (of Mrs. Thomas) bar the declared claim for Mrs. Shonts' on a reading of all the pleadings, and that the reply (of Mrs. Shonts) fails either to deny or avoid their effect."

Elsewhere in the decision Justice McAvoy said:

"If the plaintiff wishes, as her brief avails, to assert duress and fraud in procuring both of the instruments now pleaded in bar of her claim, she ought to set forth facts which would make the claim appear plausible."

The purely perfunctory prattle of fraud, duress and intimidation in bare verba is unavailing with death of facts."

The motion for dismissal of the action was made by Clarence J. Shearn, former Supreme Court Justice, attorney for Mrs. Thomas.

In answer to Mrs. Shonts' complaint, Mrs. Thomas stated that there had never been any impropriety in the relationship existing between herself and Mr. Shonts, and that Mrs. Shonts herself had alienated her husband's affections by her own acts.

She further maintained that at the time specified in Mrs. Shonts' action there was no affection existing between Mr. and Mrs. Shonts. Another phase of Mrs. Thomas' answer was that in 1917 Mrs. Shonts had given to Mrs. Thomas, for a valuable consideration, a release of any and all claim or claims which Mrs. Shonts might hold against Mrs. Thomas.

The action of Mrs. Shonts against Mrs. Thomas was begun in December, 1919.

HARDING WON'T EAT CHAMPION TURKEY

Too Valuable a Bird, He Writes Owner, in Declining Offer of Gift.

DIXON, Ill., Feb. 8.—President-elect Harding has written Mrs. Eli Fowler of Rochelle, Ill., declining her offer of "The Flame of the Bronze," champion turkey at the recent National Poultry Show in Chicago for his first Thanksgiving dinner on the White House.

Mr. Harding expressed "gratitude" to Mrs. Fowler for the offer of the bird, but said he did not want to eat it. He said he did not want to eat it because it was too valuable a bird to eat.

He has learned to steer one of the things since and decided was reserved.

WIFE OF TRACTION MAGNATE WHO LOST HER \$1,000,000 SUIT



MRS. AMANDA C. THOMAS.

COUPLE HELD UP IN HOTEL ROOM; ROBBED OF JEWELS

Alleged Thief, Held in \$10,000 Found Hiding by Maid—Stolen Ring Recovered.

Morris Leon, twenty-six, who said he lived at No. 1061 Intervale Avenue, Bronx, was held in \$10,000 bail today by Magistrate Tobin, charged with holding up Mr. and Mrs. Michael Cohen last night in their apartment in the Langwell Hotel, No. 122 West 44th Street, and taking two diamond rings valued at \$1,600 from Mrs. Cohen.

Leon, who claimed to be a silk salesman, had an appointment to sell Mrs. Cohen some underwear. When he appeared, according to the Cohen's story, he had a gun pointed at him and he backed him against the wall and took Mrs. Cohen's rings.

The hold-up man remained in the hotel. A maid discovered him hiding Cohen on 44th Street to 26th Avenue where he was halted by Traffic Policeman Muenchheim, who accompanied him back to the hotel.

The maid had thrown the rings down the elevator shaft. An hour's search resulted in one of the rings being found at the bottom of the shaft.

Leon, the police say, has a record of six arrests, four of which resulted in his conviction.

GRAND JURY HEARS TWO POLICE AIDS

Briggs' Private Secretary and George McNulty Testify in Inquiry Into City Graft.

William Briggs, private secretary to Police Commissioner Kingsley, and George McNulty, who was secretary to Chief Inspector Kelly when the latter was Second Deputy Commissioner, were called today to testify before the grand jury in the inquiry into city graft.

Briggs and McNulty brought with them records taken from Police Headquarters, and it was understood that McNulty had made a list of the names of the police officers who had been in the city since the time of the graft investigation.

Briggs in the city Charles J. Whitcomb had stated he expected to ask for two more indictments this afternoon.

FORMER LABOR 'CZAR' GETS SENTENCE IN SING SING AT HARD LABOR FOR EXTORTION

Brindell's Counsel Will Apply for Certificate of Reasonable Doubt at Once—Term May Be Cut to 3½ Years—Hettrick Trial Begins.

Robert F. Brindell, convicted last week of using his powers as President of the Building Trades Council to extort \$5,000 from Max Arenson, owner of a new building at No. 236 West 35th Street, was sentenced today by Justice McAvoy in the Criminal Branch of the Supreme Court to not less than five years or not more than ten years at hard labor in Sing Sing Prison.

With time allowances, including those accruing on account of the "hard labor" provision, the actual term of imprisonment may not be more than three and a half years.

Samuel Untermyer, special prosecutor, addressed the court to request a sentence imposing the extreme penalty of the law—fifteen years' imprisonment. He said that in careful study of the case he had "found no mitigating circumstances."

Martin W. Littleton shook his head when asked if he desired to make a plea regarding the sentence. He had already made the customary motions to set aside the verdict and to ask for a new trial. The point which he urged most emphatically was that the indictment charged Brindell with taking money Sept. 29, 1920, from Arenson at the "No. 236 West 35th Street Corporation," whereas that corporation was dissolved in July, 1920, as the evidence showed.

On these motions, which Justice McAvoy denied, Mr. Littleton has ten days to make an appeal before Brindell is transferred from the Tombs to Sing Sing. The lawyer declared his intention of seeking a certificate of reasonable doubt at once and making an application to have Brindell admitted to bail.

COMES INTO COURT UNDER SHERIFF'S ESCORT.

Brindell came into court guarded by Sheriff Knott and Deputy Sheriff Burke. His ordinarily dark brick red complexion was pallid with tight spots. His eyes were troubled as though he were suffering physical pain. His fingers twitched nervously on the top bar of the railing gate at which he faced Justice McAvoy.

When the term of his imprisonment was pronounced by Justice McAvoy, Brindell turned to John J. O'Connor, Miles Walsh and Mr. Littleton, his counsel, with a queer frightened smile as though appealing to him for encouragement.

All his color, confidence and the sparkle of his eyes came back a few moments later, however, when he faced the demonstration of hundreds of his followers, weather beaten, hard fluted fellows, who filled the corridor outside the court room to "see Bob go away."

They swarmed around the Sheriff and the prisoner, cheering and calling to him.

"Don't you care, Bob," one shouted, "We'll have you out of that by night!" The whole crowd roared approval.

BEG BRINDELL TO SHAKE THEIR HANDS.

Brindell was taken up to the office of the Sheriff on the mezzanine for the making of certain formal records regarding his sentence. From the first floor to the first mezzanine run wide stairways. At the top of them are collapsible iron gates which are kept closed when prisoners are being taken to and from the Sheriff's office. The crowd surged up these stairs, backing the steps from top to bottom. They thrust their hands through the openings in the iron gates, begging Brindell to "shake."

The prisoner seemed to straighten.

Approves Evening World's Plan for Sale of I. R. T. Surplus Power

Commissioner Delaney Enthusiastic Over Suggestion That Can and May Raise Railway Revenue and Stop Higher Fare Talk.

JOHN DELANEY, Transit Construction Commissioner and intermediary between this city and the Interborough Rapid Transit Company in all contractual relations, approved with much enthusiasm the Evening World's suggestion that all necessity for an increase in fare be countered by selling the surplus electric current of the I. R. T. The Evening World pointed out two years ago that there was a surplus of 1,000,000,000 kilowatts, which, if sold to outside corporations, would bring in sufficient revenue to dissipate the idea for a raise in fares.

Mr. Delaney told a reporter for The Evening World that the Interborough Company received from the sale of surplus power on both the subway and elevated lines \$2,913,654 for the fiscal year ending June 30, 1920. This surplus energy was sold as a by-product only of the New York Municipal Railway, which operates the I. R. T. subway, and also to the New York Railways Company, operated by John E. Hedges as receiver. For the six months ending Dec. 31, 1920, the sale of surplus power amounted to \$2,826.

The Transit Commissioner, Harry W. Lacey, an electrical engineer working under his direction, was already making an investigation of the electrical transit situation of the city as it affects present equipment, cost of production and possibilities of development with a view to increasing the revenues. This survey, Mr. Delaney said, would require nine months.

VARDAMAN'S NAME IN BIG BOND THEFT

Said to Have Aided Huntley in Disposing of \$135,000 in Liberty Bonds.

MEMPHIS, Tenn., Feb. 8.—The name of James M. Vardaman, son of former United States Senator J. H. Vardaman of Mississippi, today became involved in the investigation of the sale here of nearly \$350,000 worth of Liberty Bonds stolen in New York and sold here.

Vardaman, police say, aided W. J. Huntley Jr., former Vice President of the National City Bank of Memphis, in arranging for the sale of \$135,000 worth of Liberty Bonds which later proved to have been stolen. He is employed in the Bond Department of the Bank of Commerce and Trust Company, a local bank, and left here today on a vacation.

A statement issued by Mr. Vardaman says he introduced Mr. S. Black, a bond salesman, to the bond selling firm of Tigrett and Company in order to do Huntley a personal favor.